

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Chapter 11
THE IT GROUP, INC., et al.) Case No. 02-10118 (MFW)
Debtors,) Jointly Administered
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IT LITIGATION TRUST,)
Plaintiff,) Civ. A. No. 04-CV-1268 (KAJ)
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v.)
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DANIEL A D'ANIELLO, FRANCIS J)
HARVEY, JAMES C McGILL,)
RICHARD W POGUE, PHILLIP B.)
DOLAN, E MARTIN GIBSON, ROBERT)
F PUGLIESE, CHARLES W SCHMIDT,)
JAMES DAVID WATKINS, ANTHONY)
J DeLUCA, HARRY J. SOOSE, THE)
CARLYLE GROUP, THE CARLYLE)
GROUP, L L C , CARLYLE PARTNERS) JURY TRIAL DEMANDED
II, L P , CARLYLE SBC PARTNERS, II,)
L P , CARLYLE INTERNATIONAL)
PARTNERS II, L P , CARLYLE)
INTERNATIONAL PARTNERS III, C/S)
INTERNATIONAL PARTNERS,)
CARLYLE INVESTMENT GROUP, L P ,)
CARLYLE-IT INTERNATIONAL)
PARTNERS, L P , CARLYLE-IT)
INTERNATIONAL PARTNERS II, L P ,)
CARLYLE-IT PARTNERS L P , and T C)
GROUP, L L C ,)
Defendants)

**DEFENDANTS' JOINT MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION**

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants Daniel A D'Aniello, Francis J. Harvey, James C. McGill, Richard W. Pogue, Phillip B. Dolan, E Martin Gibson, Robert F. Pugliese, Charles W. Schmidt, James David Watkins, Anthony J. DeLuca, Harry J. Soose, Jr., The Carlyle Group, The Carlyle Group L L C, Carlyle Partners II, L P , Carlyle SBC Partners II, L P , Carlyle International Partners II, L P ,

Carlyle International Partners, III, C/S International Partners, Carlyle Investment Group, L P , Carlyle-IT International Partners, LP, Carlyle-IT International Partners, II, L P , Carlyle-IT Partners L P , and T.C Group, L L C (collectively, "Defendants"), by and through their respective undersigned counsel, hereby move this Court to dismiss Counts I through V and IX of the First Amended Complaint filed on January 28, 2005 against Defendants as set forth in the Amended Complaint at Civil Action No 04-1268 in the United States District Court for the District of Delaware for all of the reasons set forth in the supporting Brief

Dated. March 2, 2005

Respectfully submitted,

/s/
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